

Item 14 – Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for Sediment in Napa River and an Implementation Plan to Achieve the TMDL and Related Habitat Enhancement Goals – Hearing to Consider Adoption of Proposed Basin Plan Amendment

Mike Napolitano said steelhead trout and Chinook salmon are native to the Napa River and its tributaries. He said the trout and salmon populations have declined significantly in recent decades. He said the Basin Plan Amendment establishes a Sediment TMDL and Habitat Enhancement Plan that will improve the health of the fish population.

Mr. Napolitano said the goal of the TMDL is to reduce the amount of human-caused sediment in the Napa River. He said activities that generate the sediment include: (1) non-point source erosion from vineyards, grazing lands, and rural roads; (2) urban stormwater and wastewater; and (3) erosion from the bed and banks of the Napa River and lower tributaries. He said erosion from vineyards, grazing lands, and rural roads generates about three-fourths of the human-caused load.

Mr. Napolitano said staff would like to work with landowners to develop practical and effective erosion control programs. He said landowners will be regulated by Waste Discharge Requirements or conditional waivers of WDRs.

Mr. Napolitano said the Habitat Enhancement Plan will be implemented through landowners' voluntary participation in cooperative partnerships and local initiatives. He said implementation will create complex fish habitat like gravel bars, side channels, flood plains, and bank vegetation.

Dyan Whyte discussed a Supplemental that included proposed changes to the Basin Plan Amendment.

Ms. Whyte read a letter from Phil Brun, Water Division General Manager, City of Napa. Mr. Brun requested staff make modifications to the Basin Plan Amendment, Staff Report, and Response to Comments document. Ms. Whyte replied to each of Mr. Brun's requests. She said the request to change the Basin Plan Amendment was made and was included in the Supplemental.

In reply to a question from Shalom Eliahu, Mr. Napolitano discussed calculation of the sediment load allocation.

In reply to a question from Terry Young, Ms. Whyte said individual landowners may participate in local certification programs, like the Fish Friendly Farming Program, as a way of complying with waivers of WDRs.

Jeff Sharp, Principal Planner, County of Napa, said many of the County's concerns were addressed in the Supplemental. He requested the Water Board work with the County (1) to streamline the permit process for habitat restoration and road improvement projects and (2) to help the County obtain funds for implementation projects. He offered to submit a letter summarizing the County's concerns with the Basin Plan Amendment.

After discussion with legal counsel, Mr. Muller said the letter would not be accepted because the deadline for submittal of written comments had passed.

[Mrs. Warren left the meeting at approximately 1:30 p.m.]

Phillip Blake, District Conservationist, Natural Resources Conservation Service, U.S. Department of Agriculture, requested staff help establish a countywide coordinated permitting process. He said coordinated permitting would be helpful to landowners interested in restoring riparian areas. He encouraged the Board to give special recognition to landowners who implement projects.

Tyler York, Sierra Club, Napa Group, said the Amendment includes regulatory and voluntary programs to address sediment impairment and requested the Board adopt it. He commended Ms. Whyte and Mr. Napolitano for their outreach to stakeholders in the Napa River watershed as part of the Amendment process.

Sandy Elles, Executive Director, Napa County Farm Bureau, thanked staff for changes to the Basin Plan Amendment that were included in the Supplemental. She said a footnote to Tables 4.1, 4.2, and 4.3 stated landowners could comply with the TMDL by meeting conditional waivers of Waste Discharge Requirements that the Water Board may adopt. She requested the footnote also provide that landowners may comply by meeting "other applicable regulatory mechanisms as authorized by the Water Code." She said the requested language would provide flexibility in the future when changes may occur to nonpoint source pollution control policy.

Ms. Elles thanked Mr. Napolitano for his work in the Napa River watershed and requested he remain active as implementation begins. She expressed hope that implementation will occur in a collaborative and flexible manner.

Bernhard Krevet, President, Friends of the Napa River, expressed appreciation to all stakeholders who cooperated in the development of the Basin Plan Amendment. He thanked Ms. Whyte and Mr. Napolitano and recommended their work continue during implementation. He said the Amendment is scientifically based and requires implementation measures be adapted as new information becomes available.

Ms. Whyte said the language Ms. Elles suggested be added to the Basin Plan Amendment was vague and future interpretation could be uncertain. Ms. Whyte recommended the language not be added.

Mrs. Bruce thanked Mr. Napolitano for his excellent work.

Mr. Wolfe thanked Napa River watershed stakeholders for their participation in the Basin Plan Amendment process. He said he would try to see that Mr. Napolitano will continue working in the watershed.

Mr. Wolfe recommended adoption as supplemented of the Resolution to Adopt the Water Quality Control Plan for the San Francisco Bay Region to Establish a Total Maximum Daily Load for Sediment in Napa River and an Implementation Plan to Achieve the TMDL and Related Habitat Enhancement Goals.

Motion: It was moved by Mr. Eliahu, seconded by Mrs. Bruce, and it was voted to adopt the Tentative Resolution as supplemented and recommended by the Executive Officer.

Roll Call:

Aye: Mrs. Bruce; Mr. Eliahu; Mr. Peacock; Mr. Waldeck; Dr. Young; Mr. Muller

No: None

Motion passed 6 – 0.